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EXAMINER

CHOKSHI, PINKAL R

ART UNIT	PAPER NUMBER
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2425

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,165	Applicant(s) THELEN ET AL.	
	Examiner PINKAL CHOKSHI	Art Unit 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/27/2009 has been entered.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claim 18** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 18 recites a product directly loadable into the internal memory. If a product is loadable into the memory, it could be unloadable too, which means its software. Examiner would like to suggest that the claim might be written such as "...product directly encoded into the internal memory..."

Response to Arguments

4. Applicant's arguments with respect to claims 1, 19, and 21 have been considered but are moot in view of the new ground(s) of rejection. See the new rejection below.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 4-9, 11-16, and 19-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,526,130 to Kim et al. (hereafter referenced as Kim) in view of US PG Pub 2002/0174430 to Ellis et al (hereafter referenced as Ellis).

Regarding **claim 1**, “a method for recording content on a record medium (2) that contains a desired content descriptor (3)” reads on the video cassette recorder that records a broadcast program based on a program title (abstract and col.1, lines 9-16) disclosed by Kim and represented in Fig. 1.

As to “method comprising the steps of: reading said desired content descriptor (3) from said record medium (2)” Kim discloses (col.2, lines 49-51) that the program title provided by user to record the program is read and encoded at the recording device.

As to “scanning the content (10, 12) of at least one multimedia source (6, 7) for desired content that matches said desired content descriptor (3)” Kim discloses (col.2, lines 51-55) that the program title data inputted by user are detected and matched with broadcast program data received in the device.

As to “recording said desired content on said record medium (3)” Kim discloses (col.2, lines 60-62) that the recording device records matching broadcast program.

Kim meets all the limitations of the claim except “wherein said desired content descriptor (3) is already contained in a blank of said record medium (2).” However, Ellis discloses (¶0175, ¶0179) that the PVR integrated set-top box includes a memory that stores personalization information based on user preference, viewing/recording history, where the programs are automatically recorded on the storage device of the PVR integrated set-top box that match the user preference as represented in Fig. 2B (element 9902). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Kim’s system by already storing desired content title on the same record medium as the recording content as taught by Ellis in order to simplify the use of such systems while providing additional functionality to television viewers and easily transfer content descriptor/content, stored on the single storage device, from one medium to another (¶0009).

Regarding **claim 4**, “the method, wherein said desired content descriptor (3) contained in said record medium (2) cannot be further altered or augmented” Ellis discloses (¶0184) that the edit button may or may not provide user with the ability to edit program information as represented in Fig. 3. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention

to automatically store program title information as taught by Ellis in order to automatically record programs that match the personalization program information without user entering program title information (§0175).

Regarding **claim 5**, “the method, wherein said desired content descriptor (3) contained in said record medium (2) can be further altered and augmented” Ellis discloses (§0184) that the edit button provides user with the ability to edit program information as represented in Fig. 3. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to automatically store program title information as taught by Ellis in order to automatically record programs that match the personalization program information without user entering program title information (§0175).

Regarding **claim 6**, “the method, wherein said desired content descriptor (3) can be transferred from said record medium (2) to a record medium (2) of the same type or to a record medium (2) of a different type” Ellis discloses (§0172) that the audio/video signals for programs are transferred between PVR and VCR as represented in Fig. 2A (elements 208, 210). Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to transfer program information between recording mediums as taught by Ellis in order to simplify the use of such systems while providing additional functionality to television viewers (§0009).

Regarding **claim 7**, “the method, wherein said record medium (2) is suited for electric and/or magnetic and/or optic recording of content” Kim discloses (abstract) that the video cassette recorder is used to record program.

Regarding **claim 8**, “the method, wherein said desired content descriptor (3) is a keyword or a list of keywords” Kim discloses (col.4, lines 45-56) that the user provides a program title by inputting word or words.

Regarding **claim 9**, “the method, wherein said desired content descriptor (3) obeys a pre-defined content description format” Kim discloses (col.5, lines 16-19; col.6, lines 22-27) that the broadcast schedule recognition data identifies predefined program title used to distinguish desired program title from the other program titles.

Regarding **claim 11**, “the method, wherein said desired content descriptor (3) is a pre-defined content descriptor” Ellis discloses (¶0175) that the personalization information for program titles are automatically stored based on user profiles, preferences, viewing history, or recording history of the user. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to automatically store program title information as taught by

Ellis in order to automatically record programs that match the personalization program information without user entering program title information (§0175).

Regarding **claim 12**, “the method, wherein said desired content descriptor (3) is defined by the user of said method” Kim discloses (col.4, lines 46-47) that the user provides a program title via data input device.

Regarding **claim 13**, “the method, wherein said content (10, 12) from at least one multimedia source (6, 7) comprises image and/or audio and/or text information” Kim discloses (col.4, lines 37-38; col.6, lines 10-13) that the image signal, transmitted from broadcast station, is received through the tuner of receiving device as represented in Fig. 1 (element 20).

Regarding **claim 14**, “the method, wherein said at least one multimedia source (6, 7) is a receiver (6) for television and/or radio programs” Ellis discloses (§0171) that the broadcast signals are transmitted from a set-top box to recording equipment as represented in Fig. 2A (elements 202, 204). Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to receive signals from receiver as taught by Ellis in order to record or view programs that match with user personalization program information.

Regarding **claim 15**, “the method, wherein said at least one multimedia source (6, 7) is a device (7) that is connected to a computer network, in particular to the internet” Ellis discloses (¶0163) that the set-top box receives data from wide area network such as Internet as represented in Fig. 1 (elements 118, 122). Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to receive data using wide area computer network as taught by Ellis in order to provide additional data using link(s) to Internet web pages (¶0421).

Regarding **claim 16**, The method according to claim 13, wherein said step of scanning the content (10, 12) of said at least one multimedia source (6, 7) for said desired content comprises image and/or audio and/or word processing” Kim discloses (col.2, lines 51-55; col.4, lines 37-38) that the image signal, transmitted from broadcast station, is received through the tuner of receiving device where the program titles are scanned and detected to match with user inputted program title.

Regarding **claim 19**, “a device (1) for recording content (10, 12) on a record medium (2) that contains a desired content descriptor (3)” reads on the video cassette recorder that records a broadcast program based on a program title (abstract and col.1, lines 9-16) disclosed by Kim and represented in Fig. 1.

As to “device comprising: means (16) for reading said desired content descriptor (3) from said record medium (2)” Kim discloses (col.2, lines 49-51) that the program title provided by user to record the program is read and encoded at the recording device.

As to “means (13, 15) for scanning the content (10, 12) of at least one multimedia source (6, 7) for desired content that matches said desired content descriptor (3)” Kim discloses (col.2, lines 51-55) that the program title data inputted by user are detected and matched with broadcast program data received in the device.

As to “means (18) for recording said desired content on said record medium (2)” Kim discloses (col.2, lines 60-62) that the recording device records matching broadcast program.

Kim meets all the limitations of the claim except “wherein said desired content descriptor (3) is already contained in a blank of said record medium (2).” However, Ellis discloses (¶0175, ¶0179) that the PVR integrated set-top box includes a memory that stores personalization information based on user preference, viewing/recording history, where the programs are automatically recorded on the storage device of the PVR integrated set-top box that match the user preference as represented in Fig. 2B (element 9902). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Kim’s system by already storing desired content title on the same record medium as the recording content as taught by Ellis in order to

simplify the use of such systems while providing additional functionality to television viewers and easily transfer content descriptor/content, stored on the single storage device, from one medium to another (§0009).

Regarding **claim 20**, “the device (1), wherein said means for scanning (13, 15) the content (10, 12) of said at least one multimedia source (6, 7) for said desired content comprises means (13) for image and/or audio and/or word processing” Kim discloses (col.4, lines 37-38; col.6, lines 10-13) that the image signal, transmitted from broadcast station, is received through the tuner of receiving device as represented in Fig. 1 (element 20).

Regarding **claim 21**, “a record medium (2) comprising a desired content descriptor (3)” reads on the video cassette recorder that records a broadcast program based on a program title (abstract and col.1, lines 9-16) disclosed by Kim and represented in Fig. 1.

As to “means for reading said desired content descriptor (3) from said record medium (2) to trigger the scanning of content (10, 12) of at least one multimedia source (6, 7)” Kim discloses (col.2, lines 49-51) that the program title provided by user to record the program is read and encoded at the recording device. Kim further discloses (col.2, lines 51-55) that the program title data inputted by user are detected and matched with broadcast program data received in the device.

As to “for desired content that matches said desired content descriptor (3) and that is recorded on said record medium (2)” Kim discloses (col.2, lines 60-62) that the recording device records matching broadcast program.

Kim meets all the limitations of the claim except “wherein said desired content descriptor (3) is already contained in a blank of said record medium (2).” However, Ellis discloses (¶0175, ¶0179) that the PVR integrated set-top box includes a memory that stores personalization information based on user preference, viewing/recording history, where the programs are automatically recorded on the storage device of the PVR integrated set-top box that match the user preference as represented in Fig. 2B (element 9902). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Kim’s system by already storing desired content title on the same record medium as the recording content as taught by Ellis in order to simplify the use of such systems while providing additional functionality to television viewers and easily transfer content descriptor/content, stored on the single storage device, from one medium to another (¶0009).

Regarding **claim 22**, “the record medium (2), wherein said record medium (2) is suited for electric and/or magnetic and/or optic recording of content” ” Kim discloses (abstract) that the video cassette recorder is used to record program.

7. **Claims 10, 17 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Ellis as applied to claim 1 above, and further in view of US PG Pub 2006/0072354 to Ohnuma (hereafter referenced as Ohnuma).

Regarding **claim 10**, “the method wherein said desired content descriptor (3) comprises multimedia samples” Kim discloses (col.4, lines 52-56) that the program titles inputted by user are for the desired broadcast program.

Combination of Kim and Ellis meets all the limitations of the claim except “descriptor comprises multimedia samples.” However, Ohnuma discloses (§0066 and §0067) that the user selects the desired program to record from the sample of broadcast program attributes given on the screen as represented in Fig. 8. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to use multimedia sample to record the desired program as taught by Ohnuma in order to record the desired program in the recording medium when viewers can not remember program name.

Regarding **claim 17**, combination of Kim and Ellis meets all the limitation of the claim except “the method, wherein said step of scanning the content (10, 12) of said at least one multimedia source (6, 7) for said desired content is performed dynamically depending on the available amount of content (10, 12) and/or on the already recorded content.” However, Ohnuma discloses (§0123) that upon the instruction for reproduction of a program from user, viewing control application scans out programs recorded in the storage and reproduced the

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program for the user. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to scan the recorded program content on the device as taught by Ohnuma in order to reproduce the instructed program from the recording medium quicker than scanning other devices to reproduce a desire program.

Regarding **claim 18**, “a machine-readable product directly loadable into the internal memory of a digital computer, comprising code portions for performing the method steps when said product is run on a computer” Ohnuma discloses (¶0125 and ¶0126) that a program including series of processing step is installed in a computer. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to install the program on computer readable medium as taught by Ohnuma so the user without TV equipments can use computer device to run the above operation.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pinkal Chokshi/
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425